APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,465	07/13/2001	Steven E. Swenson	MSFT-0584/167511.2	8067

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EXAMINER
CHANG, JUNGWON

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/904,465	SWENSON ET AL.
	Examiner	Art Unit	
	Jungwon Chang	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 May 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to amendment filed on 5/6/2005. Claims 1-20 are

presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   Claims 1-3, 5, 7 and 9-11 are rejected under 35 U.S.C. 102(e) as being

anticipated by Logan et al. (US 6,633,845), hereinafter Logan.

4.   As to claim 1, Logan discloses the invention as claimed, including a method for

automatically performing digital signal processing (DSP) processing on media entities

(songs) (fig. 2; col. 1, lines 8-11; col. 3, lines 23-65; col. 6, lines 48-56) comprising the

steps of:

        identifying media entity data for DSP processing (col. 1, line 66 – col. 2, line 16);

processing said identified media entity data in a computing environment having

at least one computer server (200; fig. 2) to create DSP processed media entity data

(col. 2, lines 17-39; col. 3, lines 23-65); and

aggregating said DSP processed data for storage in a persistent data store

(col. 3, lines 31-36; col. 4, lines 13-15).

5.   As to claim 2, Logan discloses wherein said identifying step comprises the step

of:

communicating at least one data store with DSP unprocessed media entity data

(210, fig. 2; col. 3, lines 54-65; input device inherently comprises magnetic storage

drive, i.e., tape cartridges disk, CD-ROMS, or optical storage media, which allow to

store data);

generating data identifying information about said unprocessed media entity data

(col. 3, line 54 – col. 4, line 12); and

communicating said generated data identifying information for use in DSP

processing (col. 3, lines 23-53).

6.   As to claim 3, Logan discloses receiving DSP unprocessed media entity data

(210, fig. 2; col. 3, lines 54-65);

segmenting said DSP unprocessed media entity data for processing (col. 2, lines

30-39; col. 5, lines 2-21 and 26-44); and

spawning at least one DSP process performing DSP functions and operations on

said DSP unprocessed media entity data to produce DSP processed data (col. 3, lines

23-65; col. 7, lines 11-53).

7.   As to claim 5, Logan discloses converting said unprocessed media entity data

into a format consistent with DSP processing (col. 3, line 54 – col. 4, line 12).

8.   As to claim 7, Logan discloses collecting said DSP processing data for storage in

a persistent DSP processed media entity data store (col. 3, lines 31-36; col. 4, lines 13-

15).

9.   As to claims 9 and 10, they are rejected for the same reasons set forth in claim 1

above. In addition, Logan discloses a computer readable medium bearing computer

executable instructions (col. 3, lines 38-53).

10.   As to claim 11, it is rejected for the same reasons set forth in claim 1 above. In

addition, Logan discloses a computing device (fig. 2; col. 1, lines 8-11; col. 3, lines 23-

65; col. 6, lines 48-56).

11.   Claims 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gunnerson (US 6,657,116).

        The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

12.   As to claim 12, Gunnerson discloses a system providing automated DSP

processing of media entities in a computing environment (figs. 1-2, 8-11) comprising:

       a media entity identification system (104, figs. 1-2) that operates on at least one

cooperating data store having DSP unprocessed media entities to identify DSP

unprocessed media entities (col. 2, lines 9-10 and 50-67; col. 3, lines 29-36 and 50-65;

col. 5, line 57 – col. 6, line 17);

       a DSP processing system receiving said DSP unprocessed media entities

(compact disc reader provides raw music data to the music controller; col. 3, lines 29-

31) and performing DSP operations and/or function on said DSP unprocessed media

entities to generated DSP processed media entities (music controller 104 convert the

raw music data into an encoded format; col. 3, lines 31-65; col. 2, lines 60-67); and

       an aggregation system for aggregating DSP processed media entities into data

sets representative of original DSP unprocessed media entity data sets for storage in a

persistent data store having aggregated DSP processed media entities (col. 2, line 50 –

col. 3, line 36; col. 1, lines 13-25).

13.   As to claim 13, Gunnerson discloses a distributed computing environment having

at least two computer servers capable of executing distributed automated DSP

processing processes (one or more remote computers, i.e., servers; col. 4, lines 64-67).

14.   As to claims 14 and 15, Gunnerson discloses wherein said DSP processing

system employs said generated identification information to retrieve DSP unprocessed

media entity data from said cooperating data store having said DSP unprocessed media

entity data (col. 2, lines 9-18; col. 6, lines 11-17).

15.   As to claim 16, Gunnerson discloses wherein said DSP processing system

spawns at least one DSP process on one of said at least two computer servers to

process said DSP unprocessed media entity data (one or more remote computers, i.e.,

servers; col. 4, lines 64-67), said DSP process converting said DSP unprocessed media

entity data to a data format consistent with DSP processing (music controller 104

convert the raw music data into an encoded format; col. 3, lines 31-65; col. 2, lines 60-

67).

16.   As to claim 17, Gunnerson discloses communicating means for communicating

said DSP unprocessed media entity from said DSP unprocessed media entity data store

(col. 3, lines 29-36).

17.   As to claim 18, Gunnerson discloses wherein said aggregation system comprises

at least one weighting and/or averaging algorithm for use when aggregating said DSP

processed media entities (col. 1, lines 50-67).

18.   As to claim 19, Gunnerson discloses a method for automating DSP processing in

a music matching and analysis system (col. 1, lines 43-67) comprising the steps of:

        providing a computing environment capable of executing at least one DSP

process (figs. 1-2), said DSP process identifying DSP unprocessed media entities and

performing DSP functions and operations on said identified DSP unprocessed media

entities to generate DSP processed media entities (col. 2, lines 9-10 and 50-67; col. 3,

lines 29-36 and 50-65; col. 5, line 57 – col. 6, line 17);

        wherein said computing environment is a distributed computing environment

capable of running at least two parallel DSP processes (one or more processors or

processing units that inherently perform parallel processing; col. 4, lines 7-20; col. 5,

lines 28-44);

        providing a data store having at least one unprocessed media entity (col. 3, lines

29-36); and

        providing a persistent data store capable of storing DSP processed media

entities (col. 2, line 50 – col. 3, line 36; col. 1, lines 13-25)).

19.   As to claim 20, Gunnerson discloses providing at least one communications

means to communicate DSP processed media entities to participating users (col. 1,

lines 43-67; col. 4, lines 50-63).

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21.   Claims 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Logan et al. (US 6,633,845), hereinafter Logan, in view of Dwek (2001/0018858).

22.   As to claims 4 and 6, Logan discloses sending data from a media entity data

store having DSP unprocessed media entity data to at least one portion of a computing

environment performing DSP processing (col. 3, line 54 – col. 4, lien 12). However,

Logan does not specifically disclose copying data; and deleting data. Dwek discloses a

user interface for copying (fig. 3; page 10, [0121]) and deleting data (fig. 3; page 5,

[0060], [0062]). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the teachings of Logan and Dwek because Dwek's

user interface would allow the user to quickly and easily generate data files.

23.   As to claim 8, it is rejected for the same reasons set forth in claim 1 above.

However, Logan does not specifically disclose sorting said collected data, said sorting

employing at least one weighting and/or averaging algorithm to realize sorting. Dwek

discloses sorting said collected data (rank; page 1, [0011]), said sorting employing at

least one weighting and/or averaging algorithm to realize sorting (preference; page 5,
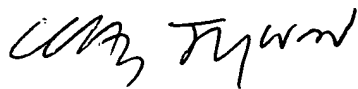
[0069]; page 6, [0073]-[0074]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Logan and Dwek because Dwek's sorting the collected data would provide fast search by sorting the collected data according to the user's preference.

24.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. 0The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC
August 7, 2005